

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AGNES R. DAVIS,

Defendant.

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No. 07-CR-30091-DRH

ORDER

HERNDON, District Judge:

Before the Court is a motion to continue trial submitted by Defendant Agnes R. Davis. (Doc. 10.) The motion is unopposed. Defendant's counsel, Lyndon P. Evanko's, has an extremely busy trial schedule in the upcoming month and, therefore, is requesting more time to prepare for Defendant's trial. The Court finds that trial should be postponed in order to give Defendant's counsel sufficient time to prepare; to do otherwise would visit a manifest miscarriage of justice upon the Defendant. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant in a speedy trial because failure to grant such a continuance would unreasonably deny Defendant's counsel the time necessary to prepare. Therefore, the Court **GRANTS** Defendant's motion to continue. (Doc. 10.)

The Court **CONTINUES** the jury trial scheduled for Tuesday, September 4, 2007 at 9:00 a.m. until Monday, November 5, 2007 at 9:00 a.m. The time from the date Defendant's motion was filed, August 22, 2007, until the date on which the trial is rescheduled, November 5, 2007, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 23rd day of August, 2007.

/s/ David R Herndon
United States District Judge